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6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
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9 Roger Dale Casey, ) No. CV-11-00155-PHX-NVW  
10 Petitioner, ) **ORDER**  
11 v. )  
12 )  
13 Charles L. Ryan, et al., )  
14 Respondents. )  
15

16 Pending before the Court is the Report and Recommendation (“R&R”) of Magistrate  
17 Judge Burns (Doc. 16) regarding Petitioner’s Petition for Writ of Habeas Corpus filed  
18 pursuant to 28 U.S.C. § 2254 (Doc. 1). The R&R recommends that the Petition be denied  
19 and dismissed with prejudice. The Magistrate Judge advised the parties that they had  
20 fourteen days to file objections to the R&R (Doc. 16 at 8 (citing 28 U.S.C. § 636(b)(1))). No  
21 objections were filed.

22 Because the parties did not file objections, the Court need not review any of the  
23 Magistrate Judge’s determinations on dispositive matters. *See* 28 U.S.C. § 636(b)(1);  
24 Fed. R. Civ. P. 72(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003);  
25 *Thomas v. Arn*, 474 U.S. 140, 149 (1985) (“[Section 636(b)(1)] does not . . . require any  
26 review at all . . . of any issue that is not the subject of an objection.”). The absence of a  
27 timely objection also means that error may not be assigned on appeal to any defect in the  
28 rulings of the Magistrate Judge on any non-dispositive matters. Fed. R. Civ. P. 72(a) (“A

1 party may serve and file objections to the order within 14 days after being served with a copy  
2 [of the magistrate's order]. A party may not assign as error a defect in the order not timely  
3 objected to.”); *Simpson v. Lear Astronics Corp.*, 77 F.3d 1170, 1174 (9th Cir. 1996); *Philipps*  
4 *v. GMC*, 289 F.3d 1117, 1120-21 (9th Cir. 2002).

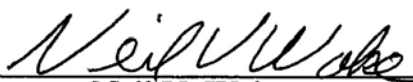
5 Notwithstanding the absence of an objection, the Court has reviewed the R&R and  
6 finds that it is well taken. The Court will accept the R&R and dismiss the Petition. *See* 28  
7 U.S.C. § 636(b)(1) (stating that the district court “may accept, reject, or modify, in whole or  
8 in part, the findings or recommendations made by the magistrate”).

9 IT IS THEREFORE ORDERED that Report and Recommendation of the Magistrate  
10 Judge (Doc. 16) is accepted.

11 IT IS FURTHER ORDERED that the Clerk of the Court enter judgment dismissing  
12 Petitioner's Petition for Writ of Habeas Corpus filed pursuant to 28 U.S.C. § 2254 (Doc. 1)  
13 with prejudice. The Clerk shall terminate this action.

14 Having considered the issuance of a Certificate of Appealability from the order  
15 denying Petitioner's Petition for a Writ of Habeas Corpus, the Court FINDS: Certificate of  
16 Appealability and leave to proceed *in forma pauperis* on appeal are **DENIED**. The dismissal  
17 of Petitioner's Petition is justified by a plain procedural bar and jurists of reason would not  
18 find the procedural ruling debatable.

19 DATED this 21<sup>st</sup> day of September, 2011.

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21   
22 Neil V. Wake  
23 United States District Judge  
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